

REMARKS

Reconsideration of the above-identified application in view of the remarks following is respectfully requested.

Status of Claims

The claims before the Examiner are claims 1-6 and 9-22. Claims 1-5, 9-15 and 17-22 stand rejected under § 103(b). The status of claims 6 and 16 is unclear.

Specifically, claim 6 is listed in the group of claims rejected under § 103(a) over Sharpe III et al. in view of Bart et al., but no justification has been provided for this rejection in the detailed rejections. The Applicant is therefore unable to respond to any substantive argument the Examiner may have intended to state with regard to this claim.

Independent claim 16 is omitted from the "disposition of claims" listing on page 1 of the Official Action, and has not been included in any of the groups of rejected claims on the cover sheet or in the body of the Official Action. In paragraph 9 of the Official Action, the Examiner seems to have referred to claim 16 as being identical in scope to claim 1, a statement which is incorrect. The Applicant is therefore left in doubt whether claim 16 has in fact been rejected and, if so, on what basis.

In the event that it is still relevant after consideration of the arguments below, further clarification is respectfully requested regarding the status of these claims and the basis for any rejections thereof.

§ 103(a) Rejections

The Examiner has rejected claims 1-6, 9-15 and 17-22 under § 103(a) as being unpatentable over Sharpe III et al. (US 6012961) in view of Bart et al. (US 6514118).

The Examiner has also rejected claims 10, 11, 21 and 22 under § 103(a) as being unpatentable over Sharpe III et al. in view of Bart et al., and further in view of Rifkin et al. (US 5873765). The Examiner's rejections are respectfully traversed.

Turning first to the Sharpe III et al. reference, this is addressed in the Background section of the specification from page 1, line 16 through page 2, line 6 which states:

U.S. Patents Nos. 5,873,765 to Rifkin et al. and 6,012,961 to Sharpe, III et al. describe story-telling dolls which are operable in a free-standing mode to play a story stored in memory within the doll. This renders the doll much more suitable for general purpose use by a child who can freely take the doll to play or into bed without maintaining connection to a computer.

The dolls of both Rifkin et al. and Shape, III et al. both allow updating of the audio content stored within the memory of the doll by docking with a computer. As a result, despite the advantages of the free-standing playback mode of operation, updating of the audio content of these devices is totally dependent upon an external computer. The required availability of a computer, and the need for some degree of computer literacy precludes operation of the device by young children and non-computer-minded adults, or when traveling away from the computer.

In other words, Sharpe III et al. (and Rifkin et al.) requires that any content update process is initiated and controlled through a computer with which the doll is docked, rendering the use of the doll unsuitable for independent operation by young children and non-computer-minded adults.

Turning now to the Bart et al. reference, this discloses a soft toy convertible between two characters and having a switchable audio system which generates distinct sets of audio outputs for each character. The toy has a number of switches to activate corresponding audio messages, and a switch for changing between the different characters. There is no indication that the audio content of the toy can be updated from an external source, and there is certainly no disclosure of any

communication to a remote content provider being initiated by operation of a switch in the toy.

In contrast, the story-telling doll of the present invention is configured to update content with the doll itself serving as a user interface and managing the communications link to a remote content provider.

Referring now to the claim language, it should be noted that independent claims 1 and 16 explicitly recite that the processing system, data storage device, audio output device and communications unit are all "contained within said body" of the doll. In this regard, the Applicant respectfully submits that the Examiner has misstated the content of the Sharpe reference. Specifically, in the last two lines of page 2 of the Official Action, the Examiner has stated (for the second time) regarding the Sharpe III reference that the "*communication unit ... [is] contained within said body [Sharpe, PC 20, Fig. 2.J.*" This statement is simply incorrect. The personal computer (PC 20) of Sharpe is clearly external to the doll, and is not "*contained within said body.*"

Furthermore, the claims explicitly recite that the "*communications unit being configured to operate under control of said processing unit in response to said input signal*" to actuate the data communication download, where the input signal is provided by "*at least one user-operable switch manually operable by manipulation of at least one region of said body.*" Thus, the claim language clearly conveys that the story-telling doll is itself the user interface for initiating update of audio content, and that the various recited components are contained within the doll body.

In a brief telephone interaction held between Examiner Vu and the Applicant's representative on November 15th, 2007, the Applicant started to outline some of the arguments as presented above. Examiner Vu replied that he was uncertain whether moving components from the computer (PC 20 of Sharpe) to the doll would render

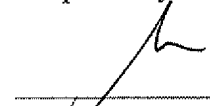
the systems patentably distinct since merely redistributing components between two housings is not typically considered to render a new structure non-obvious.

In response to this concern, the Applicant wishes to point out that the claimed combination of components is not a mere design choice but rather a fundamental shift of functionality through which the story-telling doll itself becomes the user interface for a content-downloading process rather than requiring initiation and control of the download from an external computer. This unique functionality, and the corresponding structural features of the doll, are neither described nor in any way rendered obvious by the Sharpe and Bart references of record.

In short, from a careful review of the cited references, it is clear that the references, considered alone or in combination, do not teach or in any way suggest a story-telling doll containing the recited components and configured to be responsive to an input signal generated by manipulation of a region of the doll's body to perform a content update procedure, all as defined in the current language of independent claims 1 and 16.

In view of the above arguments, it is respectfully submitted that independent claims 1 and 16, and hence also dependent claims 2-6, 9-15 and 17-22, are in condition for allowance. Reconsideration of the Examiner's rejections under § 103(a) and prompt notice of allowance are respectfully and earnestly solicited.

Respectfully submitted,



Mark M. Friedman
Attorney for Applicant
Registration No. 33,883

Date: November 22, 2007